

EXHIBIT 1

U.S. Department of Homeland Security

MEMORANDUM OF INVESTIGATION

File Number	Title: G-166C	Control Office EPT/DNM
<p>G-166C -----</p> <p>On April 30th, 2025 I, Border Patrol Agent (BPA) Kendrek Staheli, was assigned to the Douglas Arizona Border Patrol Station's Horse Patrol Unit (HPU). I was assigned to patrol with Border Patrol Agent (BPA) Dustin Watson. We were assigned to the far east side of the Douglas Area of Authority (AOR), which is the area east of the town of Douglas, Arizona.</p> <p>At approximately 2:50 p.m., we received intelligence from the Douglas Tactical Operation Center (TOC) of seven suspected undocumented non-citizens (UNCs) walking north from Mexico near the Valencia Corrals in New Mexico. We advised the TOC via service radio that we would respond to the area. This area is approximately a mile north of the International Boundary and approximately 28 miles east of the city of Douglas. This area is very common for illegal activity, including human smuggling. UNCs walk this route often to Highway 80 to be further smuggled by vehicles into the United States.</p> <p>As we were arriving to the area, an Air and Marine Operations (AMO) helicopter advised via service radio that he would also be in the area to assist in searching for the seven suspected UNCs.</p> <p>BPA Dustin Watson and I deployed on horseback near the Valencia Corrals and traveled east bound to begin our search for the suspected UNCs. BPA Scott MacCallum and BPA Tristen Tang also had deployed on horseback ahead of us.</p> <p>At approximately 6:15 p.m., I observed seven suspected UNCs traveling south bound toward Mexico across the canyon to my east. I observed that multiple of the suspected UNCs were dressed in camouflage. This is a very common practice among UNCs because it makes it difficult for them to be detected. I notified the AMO helicopter and other HPU agents via service radio of what I had observed. I was able to direct the AMO helicopter and the other agents to where I had observed the suspected UNCs.</p> <p>At approximately 6:18 p.m., the AMO helicopter advised that he had visual of multiple subjected UNCs and began to assist us via service radio of where we needed to direct our horses. The other agents and myself observed multiple suspected UNCs running away but we were able to apprehend all seven subjects at approximately 6:30 p.m.</p> <p>It was determined that none of them had proper documentation to enter into, pass through, or remain in the United States legally. It was instructed to them that they were all under arrest for entering the United States illegally. The subjects were searched incident to arrest at the Valencia Corrals and transported to the Douglas Station, where they were later transported to the Lordsburg Station, where they were processed.</p> <p>The subjects in the group were identified as follows:</p> <ol style="list-style-type: none"> 1) CASILLAS-MARTINEZ, SERGIO (A# 221205148) 2) FLORES-PENALOZA, JOSE OMAR (A# 213257487) 3) LOPEZ-LOPEZ, YAHIR (A# 213257488) 4) LUNA-AGUIRRE, JESUS MANUEL (A# 213257489) 5) MORENO-DE JESUS, HECTOR (A# 213257490) 6) RUIZ-SANTOS, EFREN (A# 213257491) 7) SALCIDO-ESCALANTE, JESUS (A# 205139180) <p>My body worn camera was activated during this event.</p>		
Investigator Border Patrol Agent KENDREK STAHELI		Date May 01, 2025

EXHIBIT 2

U.S. Department of Homeland Security

MEMORANDUM OF INVESTIGATION

File Number	Title: SWORN STATEMENT FOR FLORES-PENALOZA	Control Office EPT/DNM
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SWORN STATEMENT FOR FLORES-PENALOZA

DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS BORDER PROTECTION
UNITED STATES BORDER PATROL

RECORD OF SWORN STATEMENT

Office: EPT/LOB File No.: A 213 257 487

Statement by: FLORES-PENALOZA, Jose Omar

In the case of: My entry into the United States

At: Lordsburg, New Mexico Date: May 1, 2025

Before: Campbell, Demetrios Border Patrol Agent
(Name and Title)

In the Spanish language. Interpreter none used.

I am an Agent of the United States Border Patrol, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. I desire to take your sworn statement.

Q. Do you understand what I've said to you?
A. Yes.

Q. You are being processed for Expedited Removal. Has this been explained to you and do you understand?
A. Yes.

Q. Do you understand the charges against you and that you are being formally deported?
A. Yes.

Q. Do you have any questions?
A. No.

Q. Are you willing to answer my questions at this time?
A. Yes.

Q. Do you swear or affirm that all statements you are about to make are true and complete?
A. Yes.

Q. What is your complete and correct name?
A. Jose Omar FLORES-PENALOZA.

...(CONTINUED ON I-831)

Investigator BORDER PATROL AGENT DEMETRIOS CAMPBELL	Date May 01, 2025
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U.S. Department of Homeland Security

Continuation Page for Form G166C

Alien's Name	File Number Event No: LOB2504000023	Date May 16, 2025
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Q. Have you ever used any other names?
A. No.

Q. What is your age and date of birth?
A. 22 and October 20, 2002.

Q. Where were you born?
A. San Mateo Atenco Toluca, Mexico City, Mexico.

Q. Of what country are you a Citizen or National?
A. Mexico.

Q. Where do your parents reside?
A. Mexico.

Q. What country are your parents Citizens or Nationals of?
A. Mexico.

Q. Have your parents ever resided in the United States?
A. No.

Q. Have either of your parents ever been Citizens or Nationals of the United States?
A. No.

Q. Do you have any family members in the United States that may petition for you?
A. No.

Q. Are there any petitions pending on your behalf?
A. No.

Q. Where were you going?
A. Tucson, Arizona.

Q. What was your purpose in attempting to enter the United States?
A. To work.

Q. How long did you intend to remain in the United States?
A. About 4 years.

Q. Do you have any documents that allow you to be or remain legally in the United States?
A. No.

Q. When, where, and how did you enter the United States this last time?
A. I jumped over the small fence in the mountains east of Agua Prieta, Sonora, Mexico. It was April 29, 2025, at 8:00 a.m.

Signature DEMETRIOS CAMPBELL	Title BORDER PATROL AGENT
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U.S. Department of Homeland Security

Continuation Page for Form G166C

Alien's Name	File Number Event No: LOB2504000023	Date May 16, 2025
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Q. Were you inspected by an Immigration officer at a Port of Entry?
A. No.

Q. Had you entered the United States illegally just before you were arrested?
A. No.

Q. Did you know you crossed though a National Defense Area? Did you see any signs or warnings that you were entering a National Defense Area?
A. No.

Q. Do you understand that you crossed illegally, between Ports of Entry, and trespassed through a National Defense Area which is approximately 50 yards or more into the United States?
A. I knew that I crossed illegally, but not that I crossed through a National Defense Zone.

Q. Other than immigration charges, have you ever been arrested by any Law enforcement Agency in any country, at any time, for having violated any Law?
A. No.

Q. Have you ever been arrested for violating immigration laws in the United States?
A. No.

Q. Would you like to speak to the Mexican Consulate?
A. No.

I have read (or have had read to me) the foregoing statement consisting of _____ pages. I affirm that the answers attributed to me herein are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my questioning by the above-named officer of the Department of Homeland Security. I have initialized each page of this statement (and the corrections noted on page(s) (_____)).

Signature of alien: _____

Subscribed and sworn to me at: Lordsburg, New Mexico, on May 1, 2025.

Signature of Immigration Officer

Signature of Witness

Signature DEMETRIOS CAMPBELL	Title BORDER PATROL AGENT
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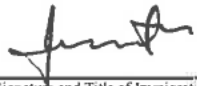
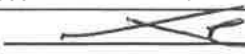
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EXHIBIT 3

U.S. Department of Homeland Security

Subject ID: 398559266

Record of Deportable/Inadmissible Alien

Family Name (CAPS) FLORES-PENALOZA, JOSE OMAR		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship MEXICO	Passport Number and Country of Issue CAE [REDACTED] 1000023	File Number A2 [REDACTED] 7		Height 67	Weight 126	Occupation LABORER	
U.S. Address TUCSON, ARIZONA, 85704				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 04/29/2025, 0800, 25 mile(s) W of ANP, PWA (A FOOT)				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence P [REDACTED] E [REDACTED] O [REDACTED] 7 [REDACTED] L [REDACTED] A				FBI Number T1PD09D5E			
Date of Birth [REDACTED]/2002 Age: 22				<input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Action 05/01/2025		Location Code EPT/LOB		Method of Location/Apprehension PB			
City, Province (State) and Country of Birth [REDACTED] N [REDACTED] O [REDACTED], MEXICO, MEXICO		AR <input checked="" type="checkbox"/> Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>		At/Near ANTELOPE WELLS, NM		Date/Time 04/30/2025 2149	
NIV Issuing Post and NIV Number		Social Security Account Name		By STEPHEN WILHELMSEN KENDREK STAHELI			
Date Visa Issued		Social Security Number		Status at Entry PWA Mexico		Status When Found TRAVEL/SEEKIN G	
Immigration Record NEGATIVE				Criminal Record None Known			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children 2 - MEXICO			
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks See Narrative		Charge Code Words(s) I7A1	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment		Salary He		Employed from/to	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS #:1380337453 I77 #:17869965 DNA Envelope #:F2260036							
  							
ARREST COORDINATES: Latitude: 31.3453 Longitude: -109.03926 212(f) PROCLAMATION							
CONSEQUENCE DELIVERY SYSTEM: Classification: FIRA Program: STR_PROS PRO							
Alien has been advised of communication privileges 05/01/2025 @ (Date/Initials)				(Signature and Title of Immigration Officer) 			
Distribution: A-FILE A-FILE STATION				Received: (Subject and Documents) (Report of Interview) Officer: DEMETRIOS CAMPBELL on: May 01, 2025 at 0605 (time) Disposition: Expedited Removal - Per 212(F) Examining Officer:  412			

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Alien's Name FLORES-PENALOZA, JOSE OMAR	File Number A213 257 487 Event No:LOB2504000023	Date 05/01/2025
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FATHER NAME AND ADDRESS:

Nationality:MEXICO FLORES, GONZALO JAVIER
[REDACTED]

MOTHER NAME AND ADDRESS:

Nationality:MEXICO PENALOZA, MAGDALENA
[REDACTED]

FUNDS IN POSSESSION:

Mexican Peso 1021.00 X OMAR

RECORDS CHECKED:

CIS Negative
ABIS Negative
EARM Negative
NCIC Negative
NGI Negative
TECS Negative

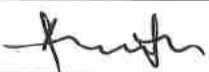
Other Family/Associates Not in Event:

Child, [REDACTED]
Child, [REDACTED]
Father, [REDACTED], [REDACTED], [REDACTED] C
Mother, [REDACTED], [REDACTED], [REDACTED] C

CONSULATE NOTIFICATION:

THE SUBJECT WAS NOTIFIED OF THEIR RIGHT TO COMMUNICATE WITH A CONSULAR OFFICER FROM THEIR COUNTRY AS PER ARTICLE 36(1) (b) OF THE VIENNA CONVENTION ON CONSULAR RELATIONS. THE SUBJECT INDICATED THAT THEY UNDERSTOOD THIS RIGHT BUT DECLINED TO SPEAK WITH SOMEONE AT THIS TIME.

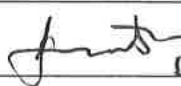
NARRATIVE:

Signature  DEMETRIOS CAMPBELL	Title BPA
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U.S. Department of Homeland Security

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Alien's Name FLORES-PENALOZA, JOSE OMAR	File Number A213 257 487 Event No: LOB2504000023	Date 05/01/2025
<p>-----</p> <p>IMMIGRATION HISTORY: None</p> <p>E3 ALERTS: None</p> <p>WANTS/WARRANTS: None</p> <p>CRIMINAL HISTORY: None</p> <p>IMMIGRATION STATUS: Pursuant to section 235(b)(1) of the Immigration and Nationality Act, 8 U.S.C. 1225, the Department of Homeland Security has determined that you are inadmissible to the United States under section 212(a)(7)(A)(i)(I) of the Act, as amended, and therefore are subject to removal, in that: you are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.</p> <p>ENCOUNTER/ARREST: On April 30, 2025, Lordsburg Border Patrol Agent (BPA) Kendrick Staheli was patrolling in the Peloncillo Mountains of New Mexico. At approximately 9:45 p.m., BPA Staheli encountered FLORES-PENALOZA, Jose Omar, one of 7 subjects encountered by Lordsburg Border Patrol Agents near Antelope Wells, New Mexico. BPA Staheli identified himself as a Border Patrol Agent in the Spanish language and proceeded to question all subjects regarding their nationality and citizenship. All subjects freely admitted that they were foreign citizens with no documents that would allow them to be in or remain in the United States legally. All subjects were placed under arrest at 9:49 p.m., and subsequently transported to the Lordsburg, New Mexico, Border Patrol Station for further questioning and processing.</p> <p>ENTRY: FLORES-PENALOZA claims that on April 29, 2025, at approximately 8:00 a.m., FLORES-PENALOZA entered the U.S. by walking across the International Boundary from Mexico into the United States. FLORES-PENALOZA claimed that he crossed the border approximately 25 miles west of the Antelope Wells, New Mexico Port of Entry. FLORES-PENALOZA was not inspected nor admitted by an Immigration Officer. FLORES-PENALOZA was asked if he knew that the area he crossed was labeled as a National Defense Area, or if he had any knowledge that he had crossed a National Defense Area. FLORES-PENALOZA stated that he did not know that he had crossed a National Defense Area. FLORES-PENALOZA was then informed that the southern border has been designated a National Defense Area, and that by crossing the National Defense Area he was in violation of 50 U.S.C. 797 (Penalty for violation of security regulations and orders)</p> <p>CRIMINAL VIOLATION: Subsequent to FLORES-PENALOZA arrest, he was advised of his rights via government form I-214 (Warning as to Rights, Waiver, and Interview Log) by Border Patrol Agent Demetrios</p>		
Signature  DEMETRIOS CAMPBELL		Title BPA

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Alien's Name FLORES-PENALOZA, JOSE OMAR	File Number A213 257 487 Event No: LOB2504000023	Date 05/01/2025
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Campbell and witnessed by Border Patrol Agent Jesus Rodriguez. Form I-214 Warning as to Rights was read to the FLORES-PENALOZA and explained that these rights are pertinent to criminal prosecution. FLORES-PENALOZA signed these rights and agreed to answer questions and give a statement without the presence of an attorney. FLORES-PENALOZA was asked questions related to his immigration status in the United States. FLORES-PENALOZA admitted to being a citizen and national of Mexico without the necessary legal documents to enter, pass through, or remain in the United States.

CONSULAR NOTIFICATION:
FLORES-PENALOZA was notified of the right to communicate with a consular officer from his native country as per Article 36(a) (b) of the Vienna Convention of Consular Relations. FLORES-PENALOZA acknowledged understanding the right; FLORES-PENALOZA declined to speak with a consular official at this time. A cursory screening to identify health and safety issues was conducted. The subject has been medically cleared using CBP Form 2501 Medical Summary Form and reflects the following: FLORES-PENALOZA claims, and appears, to be in good health.

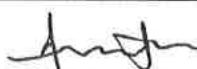
DISPOSITION:
FLORES-PENALOZA will be served with an Expedited Removal and will be prosecuted for 8 USC 1325 under Operation Phoenix Sweep guidelines. FLORES-PENALOZA was processed using A Number 213 257 487, FBI Number T1PD09D5E, and FINS# 1380337453. FLORES-PENALOZA will be held at the Otero County Detention Center pending his appearance at the United States Magistrate Court for violation of Title 8 USC 1325 (Entry of Alien at Improper Time or Place Misrep/Concealment of Facts). All subjects are currently being prosecuted for 50 U.S.C. 797 (Penalty for violation of security regulations and orders). After completion of his criminal case, FLORES-PENALOZA will be returned to his native country of Mexico.

DNA COLLECTION:
FLORES-PENALOZA 's DNA was collected using DNA collection device F2260036.

PROPERTY:
All soiled and/or potentially contaminated garments, to include suitcases, backpacks, and clothing not worn by the aliens were deemed a health risk and will be disposed of at the Lordsburg Station. The items not already abandoned will be stored at the Lordsburg Station for 30 days and will be considered abandoned if not retrieved within the 30-day time period.

FLORES-PENALOZA has property currently held at the Lordsburg Border Patrol Station. FLORES-PENALOZA's property was inventoried utilizing 6051D #2370423 and is located in Bag # CS31361587.

FLORES-PENALOZA also does not have property that will accompany him on his transfer to Otero County Detention Center.

Signature  DEMETRIOS CAMPBELL	Title BPA
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